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## STATE ELECTION COMMISSION TRIPURA : AGARTALA

No.F.1(6)-SEC/MUNC/GEN/ELEC/2020/16081

Dated, Agartala, the 17th November, 2020.

### NOTIFICATION

According to provision of Section-49, sub clause (2) of the Tripura Municipal Act, 1994, the General Election in a Municipal area to constitute the Municipality shall be held before expiration of the term of office of the existing body on such date as the State Government may fix for the purpose. Also, as per provision of Section 19 Sub-clause (i) of the aforementioned Act, every Municipality, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as dissolution of the Municipality.

2. Since, the last General Election to Municipalities in the State was held on 09/12/2015 and as per records of the Urban Development Department, the First Meeting of the Municipalities were held from 18/12/2015 to 29/12/2015. Thus, in compliance with provisions under Section-49, sub-clause (2) of the Tripura Municipal Act, 1994; the next General Election of Municipalities has to be completed by 17/12/2020 i.e before expiration of the term of Office of the existing bodies.

3. Hence, in accordance with the power vested under Section 50 of the Tripura Municipal Act, 1994 and Rule -3 Sub clause (1) of the Tripura Municipalities (Conduct of Election) Rules, 1995, the State Election Commission is empowered with regards to superintendence and administration in reference to preparation of Electoral Rolls and conduct of next General Election, 2020 of different Municipalities of the State. Therefore, the Commission has already proceeded with the preliminary preparations to duly conduct the next General Election to Municipalities.

4. Therefore, the Urban Development Department, Government of Tripura is mandated to take all preparative measures to ensure all necessary arrangements including expedited procurement of statutory and non statutory election materials from both within and outside the state for polling and appropriate conduct of election in due time.

5. The Secretary of Urban Development Department, Government of Tripura has appraised the Commission vide Letter No.F.24 (4)-UDD/DUD/2020/14350 dated 3<sup>rd</sup> November, 2020 that the department could not complete all preparative measures and actions required for conducting the next Election to Municipalities on account of various restrictions and lockdowns imposed throughout the Country and the State during the last 7(seven) months due to COVID-19 Pandemic and subsequently requested the Commission to consider deferring the next General Election to Municipalities by at least 3-4 months to complete preparation.

6. Thus, on receipt of the above communication from the Urban Development Department, the Commission in a meeting on 06/11/2020 with the Secretary and Director of the aforementioned department reviewed the status of all preparations by the department for conducting the said election.

7. Furthermore, in the aforesaid meeting, the Secretary of Urban Development Department informed the Commission in detail how related preparatory activities and functions for

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conducting the election were adversely affected due to the COVID-19 Pandemic. The reasons and justifications given by the Department are briefly summarized as follows :-

- a) National lockdown along with similar lockdown and curfew by the State in various phases with common objective to contain the spreading of infection by COVID-19 resulted in strenuous disruption of rail, road, air or other logistical connectivity of the State.
- b) Further restrictions imposed by the State Government on attendance of staff and officers hindered the effective functioning of offices.
- c) Prior engagement or reassignment of staff and officers involved in preparation of Municipal election to satisfy urgent mitigation activities like monitoring of home quarantine cases, enforcement of lockdown guidelines, management of migrant labourers etc.

Hence the Secretary has requested the Commission that the department may be allowed sufficient time for the necessary arrangements to effectively conduct the election which is due on December,2020 and reiterated its relief on deferring the General Election of Municipalities by at least 3-4 months.

8. Whereas, the Secretary, Urban Development Department subsequently has also informed the Commission that it has already proceeded with expansion of areas of 10(ten) Municipalities as per decisions of State Government for which Notifications inviting claims and objections from the inhabitants have already been issued and approximately 45 days time will be required for issuing final Notification for expansions.

9. In this regard, the State Election Commission has sought clarifications and rational opinions of the State Government from the Chief Secretary, Tripura on the issues elucidated by the Secretary of Urban Development Department in reference to the difficulties being encountered for preparations to conduct the election. The Commission has noted that the State Government has expressed solidarity and consensus with the reasoning of the Urban Development Department.

10. The Commission acknowledges that for successful conduct of General Election of the Municipalities of the State, it is of utmost requirement that all necessary arrangements are made duly in advance by the concerned stakeholders. In absence, or insufficient preparations, it is not possible to appropriately conduct the election due by 17<sup>th</sup> December,2020.

11. Therefore, the State Election Commission after diligently and exhaustively examining all the facts and circumstances on the ground and the difficulties faced by the Urban Development Department on account of COVID-19 Pandemic; infers that the preparative measures and actions of the department are currently adversely affected.


12. After analyzing all aspects and factors; subsequently the Commission concurs that in such a scenario the department is not in a position to adequately complete all preparations for conducting of the election due by 17<sup>th</sup> December,2020. Consequently, due to onerous nature of the requirements at this stage because of the restrictions to control COVID-19 Pandemic, the Commission presumes that sufficient time must be given on reasonable grounds to the department in order to conduct the General Election to Municipalities effectively by the State Election Commission.

13. It is contended that, according to the Tripura Municipalities (Conduct of Election) Rules, 1995, Rule -3 Sub clause (1); along with Article 243 K and 243 ZA of the Constitution of India that control, administration and superintendence of preparation of Electoral Rolls and conduct of all elections to the Municipalities is vested in the State Election Commission.

14. In this regard, the Commission would also cite the judgment of the Hon'ble Supreme Court of India on 19/10/2006 in the case of Kishan Singh Tomar Vs the Municipal Corporation of the city of Ahmedabad in civil Appeal No 5756 of 2005, in which it was adjudged that there may be exceptional circumstances of man-made calamities or natural calamities which could distract the authorities from holding elections to the Municipalities timely.

15. Wherefore, in the light of the issues raised and authorities cited and considering all facts and circumstances prevailing on account of COVID-19 Pandemic, the State Election Commission, Tripura in exercise of its powers conferred under Article 243 K and 243 ZA of the Constitution of India hereby order that:-

- i) The General Election to Municipalities of the State of Tripura due by 17<sup>th</sup> December, 2020 has been deferred till 27<sup>th</sup> February, 2021.
- ii) The Urban Development Department, Government of Tripura has to complete all preparation for conduct of the next General Election to Municipalities as early as possible and confirm the State Election Commission by 31<sup>st</sup> December, 2020.
- iii) The Urban Development Department, Government of Tripura will furnish delimitation of all Municipal Constituencies along with reservation status to the State Election Commission by 11<sup>th</sup> December, 2020 positively.

  
(M.L. DEY) 17/11/2020  
State Election Commissioner  
Tripura